

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MAR 27 PM 3:53  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

EARNEST L. ARRINGTON,

Plaintiff,

vs.

CV-96-B-2167-S

GOVERNOR FOB JAMES, COMMISSIONER  
HOPPER, WARDEN ROY HIGHTOWER,  
DEPUTY WARDEN MITCHELL,  
CAPT. GRANT CULLIVER, CAPT. W. MYERS,  
CORRECTIONAL MEDICAL SERVICES, INC.,  
ALL NURSES, and DR. COOKSEY,

Defendant.

ENTERED

MAR 27 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 4, 1998, recommending that the motion for summary judgment filed by defendants James, Hopper, Hightower, Mitchem, Culliver, Myers, and Freeman be granted and this cause against them be dismissed with prejudice. The magistrate judge further recommended that the claims against Correctional Medical Services, Inc., and Dr. Cooksey be dismissed pursuant to the screening provision of the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY

FINDS that there are no genuine issues of material fact and that defendants James, Hopper, Hightower, Mitchem, Culliver, Myers, and Freeman are entitled to judgment as a matter of law, and that the claims against Correctional Medical Services, Inc., and Dr. Cooksey be dismissed for failure to state a claim. Accordingly, the motion for summary judgment filed by defendants James, Hopper, Hightower, Mitchem, Culliver, Myers, and Freeman is due to be GRANTED, that the claims against Correctional Medical Services, Inc. and Dr. Cooksey are dismissed for failure to state a claim, and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 27<sup>th</sup> day of March, 1998.

  
SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE